



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

McGILL

Atty. Ref.: 978-53

Serial No. 09/913,330

TC/A.U.: 1761

Filed: August 13, 2001

Examiner: Robert A. Madsen

Confirmation No.: 7091

For: FOOD BLENDING APPARATUS

* * * * *

April 27, 2005

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the

undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my

knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

a.1. ☐ Patent Term Adjustment

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b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this

Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☐ Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

a.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

a. ☐ U.S. Patent No. _____ is indicated in the foreign search report or Official Action as being in the same patent family and/or the English-language equivalent of _____ listed on the attached foreign search report.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☐ Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☐ The publication date (e.g., month or year) of at least one of the listed documents is not available. For each document in this category, the Office is requested to assume that the year of publication of each listed document is earlier than the effective U.S. filing date and/or any foreign priority date.

9. ☐ The publication date of at least one document is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

McGILL
.09/913,330

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 978-53.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO.

SERIAL NO.

978-53

09/913,330

APPLICANT

McGILL

(Use several sheets if necessary)

FILING DATE

TC/A.U.

August 13, 2001

1761

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	D373,280	09/1996	JOHNSON			
	D311,658	10/1990	MITSUBAYASHI			
	D367,797	03/1996	HAUSER, II et al.			
	D310,932	10/1990	MITSUBAYASHI			
	1,480,914	01/1924	POPLAWSKI			
	1,910,981	05/1933	BESCHERER			
	3,358,609	12/1967	WORTH et al.			
	3,612,126	10/1971	EMMONS et al.			
	4,039,693	08/1977	ADAMS et al.			
	4,269,519	05/1981	BIRR			
	4,297,038	10/1981	FALKENBACH			
	4,449,610	05/1984	BAR			
	4,487,509	12/1984	BOYCE			
	4,681,030	07/1987	HERBERT			
	4,745,773	05/1988	ANDO			
	4,786,002	11/1988	MITSUBAYASHI et al.			
	4,889,209	12/1989	SEARS			
	4,892,413	01/1990	VATS			
	4,919,075	04/1990	HIMI			
	5,212,359	05/1993	MORGANTI			
	5,272,285	12/1993	MILLER			
	5,323,973	06/1994	FERRARA, JR.			
	5,347,205	09/1994	PILAND			
	5,425,579	06/1995	SAMPSON			
	5,432,306	07/1995	PFORDRESHER			
	5,533,797	07/1996	GELBER			
	5,603,229	02/1997	COCCHI et al.			
	6,811,303	11/2004	DICKSON JR.			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2002/0012288	01/2002	MASIP et al.			
	D436,789	01/2001	DICKSON et al.			
	2,271,822	02/1942	HILLS			
	2,798,701	07/1957	COLLURA			
	2,803,375	08/1957	MESHBERG			
	2,885,134	05/1959	COHEN			
	2,932,437	04/1960	WILCOX			
	3,240,246	03/1966	DEWENTER			
	3,596,795	08/1971	D'ERCOLI			
	3,810,470	05/1974	VON GUNTEN			
	3,841,528	10/1974	EISENBERG			
	4,136,022	01/1979	HUTZLER et al.			
	4,467,934	08/1984	HUMMER			
	5,219,419	06/1993	PROTHE			
	5,323,973	06/1994	FERRARA, JR.			
	5,454,470	10/1995	BRICKER			
	5,619,901	04/1997	REESE			
	5,639,161	06/1997	SIRIANNI			
	5,655,834	08/1997	DICKSON			
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	5,711,601	01/1998	THOMAS et al.			
	5,957,577	09/1999	DICKSON et al.			
	6,186,395	02/2001	KENNETT			
	6,326,047	12/2001	FARRELL			
	6,394,297	05/2002	NANCE			
	6,755,305	06/2004	NANCE			
	6,854,876	02/2005	DICKSON, JR.			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

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